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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,561	07/13/2001	Matthew J. Jolley	005850USA/ETEC/MBE	2800
32548	7590	11/24/2003	EXAMINER	
FERNANDEZ, KALIMAH				
APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050			ART UNIT	
			PAPER NUMBER	
			2881	

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,561

Applicant(s)

JOLLEY ET AL.

Examiner

Kalimah Fernandez

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. The election requirement mailed on 7-1-03 is withdrawn upon further consideration.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,543,044 issued to Inanami et al and US Pat No 5,995,878 issued to Miyajima.
3. The recitation that an element is "configured to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense.
4. As per claims 1,7,9, 13, 23,27 and 31, Inanami et al disclose pattern generation system (col.4, lines 2-12).

5. Inanami et al disclose a data generation subsystem to generate and assert a set of hierarchical image data having at least three levels of hierarchy (col.2, line 65-col.3, line 12).
6. Inanami et al disclose the hierarchical image data includes residual data (i.e. remaining non-repetitive data) and a set of cells (col.7, lines 15-35; col.8, lines 41-58).
7. Inanami et al does not disclose a graphics engine. However, Miyajima teaches a graphic engine (col.4, lines 56-65).
8. It would have been obvious to an ordinary artisan to incorporate the teachings of Miyajima into Inanami et al since Miyajima teaches the advantage of reduction of processing time (col.2, lines 48-52).
9. Miyajima teaches the combination of data from the graphic engine and layout memory to generate beam control data (col.5, lines 1-14).
10. As per claims 2, 8, 10, 14, 24,28 and 32, Inanami et al teaches pixel (i.e. shot) format (col.10, line 65-col.11, line 5).
11. As per claims 3, 11, 25,29 and 33, Inanami et al teaches the generation of beam control data for imaging a pattern on the target (col.1, lines 13-58).

12. As per claims 4, 12, 26,30, and 34, Miyajima teaches a raster engine (i.e. x-y scanning) (col.1, lines 21-46).

13. As per claims 5-6 and 15-22, Inanami et al teaches hierarchy classification software (see fig. 4a; col.14, lines 11-25). In addition, Inanami et al teaches a size classification (col.8, lines 1-28). The process limitations recited in claims 15-22 cannot impart patentability to the processor since the process steps fall within the level of ordinary skill in the art and the addition/omission of the process step are operator specific. Namely, Inanami et al teaches software that processes hierarchical image data by classification. The recited limitations are obvious variation of Inanami's software since it merely requires graphical representation wherein an ordinary artisan would have obvious knowledge to affect this modification if he was so obviously motivated.

Conclusion

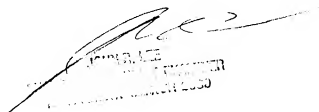
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pat No 5,159,201 issued to Frei; US Pat No 6,047,116 issued to Murakami et al; US Pat No 6,189,135 issued to Chisaka; and US Pat No 6,415,432 issued to Saito et al are considered

relevant to the claimed invention. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalimah Fernandez whose telephone number is 703-305-6310. The examiner can normally be reached on Mon-Thurs between 7:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 703-308-4116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

kf

A handwritten signature in black ink is written over a rectangular stamp. The stamp contains the text "EXAMINER" and "703-308-4116" in a bold, sans-serif font. The signature is a cursive-style name, possibly "K. Lee", written in a fluid, connected manner.